

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Abingdon Division

JOHN DOE, an infant, by his next friend)	
Reelia Watson,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 1:16-cv-00045
)	
RUSSELL COUNTY SCHOOL BOARD, ET AL.,)	
)	
Defendants.)	

DEFENDANT'S FIFTH MOTION IN LIMINE

For its motion in limine, Defendant Russell County School Board (the "School Board"), states as follows:

1. The Plaintiff seeks to introduce evidence at trial regarding prior misconduct by several former School Board employees. This evidence is irrelevant and potential for unfair prejudice and jury confusion significantly outweighs any probative value.
2. Several of these incidents, namely involving Ed Young and Johnny Owens, occurred decades or in the decade prior to the events serving as the basis for the Plaintiff's claims. (See Pl.'s Opp. to School Board's Mot. for Summary Judgment at 10-11.) These incidents have no bearing on the Plaintiff's claims.
3. The incident involving Connie Klewer was reported directly to and investigated by law enforcement. She was prosecuted and convicted. Her misconduct has no relevance to the Plaintiff's claims.
4. The April 2012 incident involving Gary Puckett was investigated by the School Board and resulted in a warning. In addition to addressing different issues and conduct, because this incident was investigated and a determination reached by the School Board, it has no

relevance to the Plaintiff's Title IX and failure to train claims. The September 2014 incident occurred after the actions giving rise to the Plaintiff's claim occurred and is therefore irrelevant.

5. The allegations as to Ernie Perkins were also investigated and he was reprimanded. The incident involving Ernie Perkins has no probative value as to the Plaintiff's Title IX and failure to train claims.

6. The incident involving Ryan Evans led to his resignation and departure from employment with the School Board.

7. The allegation concerning Joe Mitchell was nearly 8 years prior to the events giving rise to the subject litigation and involved a claim of stalking.

8. None of these incidents have probative value to the Plaintiff's claims or a determination of deliberate indifference. The misconduct, issues, processes, and results in all these incidents are different and can only confuse the jury and unfairly prejudice the School Board.

9. Rule 403 empowers this Court to exclude relevant evidence "if its probative value is substantially outweighed by danger of...confusing the issues [or] misleading the jury." Evidence regarding these current or former School Board employees should not be admitted nor allowed at trial as they are irrelevant and the potential for unfair prejudice to the School Board greatly outweighs any probative value.

RUSSELL COUNTY SCHOOL BOARD

By: /s/ Christopher S. Dadak
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CERTIFICATE OF SERVICE

I do hereby certify that on this 19th day of February, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record.

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